

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

EDDIE SOWELL SMITH,

Plaintiff(s),

v.

SARIBAY, et al.,

Defendant(s).

Case No. 2:20-cv-00060-GMN-NJK

**Order**

[Docket No. 22]

Pending before the Court is Plaintiff's motion to reissue summonses and reattempt service on two Defendants. Docket No. 22.

On March 26, 2021, the attempt by the United States Marshal Service to effectuate service on Defendant "Martinez" and Defendant "Esugurra" was unsuccessful because "LVMPD unable to locate individual(s)." *See* Docket No. 17. On April 12, 2021, the served Defendants filed an answer identifying these two Defendants by their full names:

the LVMPD Defendants affirmatively allege that JULIO MARTINEZ is employed by the Las Vegas Metropolitan Police Department . . .

the LVMPD Defendants affirmatively allege that JOVI ESGUERRA is employed by the Las Vegas Metropolitan Police Department . . .

Docket No. 19 at 2. Given that defense counsel now knows the identities of these current employees, it is unclear whether resources need to be taxed further for more formal service attempts. *Cf. Estate of Darulis v. Garate*, 401 F.3d 1060, 1063 (9th Cir. 2005) (Rule 4(d)(2) of the Federal Rules of Civil Procedure "imposes a *duty* to avoid unnecessary costs of service" (emphasis in original)).

1           Accordingly, the Court **DEFERS** resolution of the pending motion to reissue summonses  
2 and reattempt service so that defense counsel may file a notice indicating whether Defendants  
3 Martinez and Esguerra have accepted service. Such notice must be filed by April 19, 2021.

4           IT IS SO ORDERED.

5           Dated: April 13, 2021

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9 Nancy J. Koppe  
10 United States Magistrate Judge  
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